

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2023] NZERA 122
3215859

BETWEEN OLIVER LEE
 Applicant

AND DAVID BLAKE
 Respondent

Member of Authority: Peter van Keulen

Representatives: Philippa Tucker, counsel for the Applicant
 Respondent in person

Date of Determination: 9 March 2023

CONSENT DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] In a consent determination dated 22 February 2022 I recorded that David Blake owed Oliver Lee the following amounts:¹

- a. \$5,628.78 (net) for wage arrears.
- b. \$8,500.00 pursuant to s 123(1)(C)(i) of the Employment Relations Act 2000 (the Act).

[2] The parties attempted to agree a payment plan for the amounts owed but they were unable to do so; as a result, Mr Lee applied to the Authority for compliance orders. Mr Lee also lodged further claims relating to alleged breaches of his employment agreement and unjustified dismissal.

¹ *Oliver Lee v David Blake* [2023] NZERA 79.

[3] In the course of dealing with the application for a compliance order Mr Lee and Mr Blake were able to agree a payment plan for the amounts owed and have asked me to record the payment plan as a compliance order.

[4] I am satisfied that Mr Blake has not paid the amounts owed pursuant to the consent determination of 22 February 2023 and the full amount remains outstanding. Therefore, it is appropriate to make a compliance order pursuant to s 137 of the Act.

[5] I am also satisfied that the following schedule of payments has been agreed by Mr Lee and Mr Blake and that these payments will ensure Mr Blake complies with the consent determination of 22 February 2023.

[6] So pursuant to s 137 of the Act and by agreement Mr Blake is ordered to comply with the consent determination of 22 February 2023 by making the following payments to Mr Lee on the dates specified:

- a. \$1,000.00 on 1 April 2023.
- b. \$1,000.00 on 1 May 2023
- c. \$6,064.39 on 1 June 2023.
- d. \$6,064.39 on 1 July 2023.

[7] If Mr Blake fails to make any of the four payments on the date specified Mr Lee may return to the Authority to seek a further compliance order for any amount outstanding. It is likely that any further compliance order made, if required, will include provision that payments be made by an additional entity pursuant to s 137(2) of the Act.

[8] At this stage the payments set out in this compliance order are contemplated as being in settlement of all claims Mr Lee may have against Mr Blake arising out of his employment but if payment is not made pursuant to this compliance order, then Mr Lee retains the right to pursue his further claims in the Authority.

[9] Costs are reserved.

Peter van Keulen
Member of the Employment Relations Authority